

ORIGINAL

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STATE OF HAWAII CIRCUIT COURT OF THE THIRD CIRCUIT		AMENDED JUDGMENT GUILTY CONVICTION AND PROBATION SENTENCE		CASE NUMBER: Cr. No. 00-1-254	
STATE VS. (DEFENDANT) MARSELLA FERREIRA		DATE OF HEARING: 1/3/2003		REPORT NUMBER(S):	
DEFENDANT'S PLEA: GUILTY		TRIAL: CHANGE OF PLEA			
ORIGINAL CHARGE(S): SEXUAL ASSAULT IN THE 1ST DEGREE (\$707-730(1)(b), H.R.S.)		CHARGE(S) TO WHICH DEFENDANT PLED: SEXUAL ASSAULT IN THE 1ST DEGREE (\$707-730(1)(b), H.R.S.)			
DEFENDANT IS CONVICTED AND FOUND GUILTY OF: SEXUAL ASSAULT IN THE 1ST DEGREE (\$707-730(1)(b), H.R.S.)		PHOTOGRAPH (If Available)		FINGERPRINT (If Available)	
FINAL JUDGMENT AND SENTENCE OF THE COURT: CRIME VICTIM COMPENSATION FEE: \$300.00 PROBATION: TWENTY (20) YEARS I hereby certify that this is a full, true and correct copy of the original on file in this office pursuant to Section 92-30, Hawaii Revised Statutes. <i>Nicole Loo</i> Clerk, Third Circuit Court, State of Hawaii					
DATE JAN - 8 2003		JUDGE GREG NAKAMURA		2003 JAN 8 AM 11:33 TIAHETIA CLERK THIRD CIRCUIT COURT STATE OF HAWAII FILED	
nunc pro tunc to 12/18/2000		SIGNATURE <i>[Signature]</i>			
NOTICE OF ENTRY		SEAL THIRD CIRCUIT COURT STATE OF HAWAII			
THIS JUDGMENT HAS BEEN ENTERED AND COPIES MAILED OR DELIVERED TO ALL PARTIES.					
DATE JAN - 8 2003		CLERK J. NAKAMURA <i>[Signature]</i>			

(X) ORIGINAL FILED (X) DEPT. OF CORRECTIONS (X) PROBATION (X) POLICE (X) HODG

TO: DEFENDANT, MARSELLA FERREIRA

IT IS THE ORDER OF THE COURT THAT DURING YOUR TERM OF PROBATION, YOU SHALL COMPLY IN ALL RESPECTS WITH THE FOLLOWING TERMS AND CONDITIONS:

1. You shall not commit another federal or state crime during your term of probation;
2. You shall report to your probation officer as ordered by the Court or by your probation officer. After this hearing or upon your release from confinement, you are ordered to report immediately to:

Adult Probation Division
1045 A Kilauea Avenue
Hilo, HI 96720
(808) 961-7600;
3. You shall not leave the island of Hawaii unless you first obtain permission to leave from your probation officer or the Court;
4. You shall report any change of address, telephone number, or employment to your probation officer before any such change;
5. You shall promptly notify your probation officer if you are arrested or questioned by a law enforcement officer; and
6. You shall permit your probation officer to visit your home and any other places specified by the Court at all reasonable times.
7. Your further special conditions of probation are as follows: You Shall:
 - A. Follow all reasonable instructions which are given to you by your probation officer;
 - B. Not own or possess any firearms or ammunition. If you have any firearms or ammunition, you must immediately turn them in to the appropriate county police department.

YOUR FURTHER SPECIAL TERMS AND CONDITIONS OF PROBATION ARE ATTACHED.

WARNING:

IF YOUR WHEREABOUTS BECOME UNKNOWN TO YOUR PROBATION OFFICER BECAUSE OF YOUR FAILURE TO KEEP HIM/HER INFORMED, THE COURT MAY ORDER YOUR ARREST. UPON ANY FAILURE TO COMPLY WITH EACH OF THE TERMS AND CONDITIONS OF YOUR PROBATION, INCLUDING SPECIAL CONDITIONS, THE COURT MAY REVOKE YOUR PROBATION AND SENTENCE YOU TO PRISON OR CHANGE OR ADD TO THE CONDITIONS OF YOUR PROBATION.

YOU ARE FURTHER INFORMED THAT YOU ARE PROHIBITED FROM OWNING OR POSSESSING ANY FIREARM OR AMMUNITION PURSUANT TO HRS § 134-7.

THE TERMS AND CONDITIONS OF PROBATION HAVE BEEN EXPLAINED TO ME; I FULLY UNDERSTAND THEM, AGREE TO ABIDE BY THEM IN EVERY WAY AND UNDERSTAND THE CONSEQUENCES. I HAVE RECEIVED A COPY OF THESE TERMS AND CONDITIONS OF PROBATION.

DATE 01/22/03	DEFENDANT'S SIGNATURE Marsella K. Ferreira	SIGNATURE OF PROBATION OFFICER Dorella J. Brube

7. Special Conditions Of Probation

YOU SHALL:

- A. Follow all reasonable instructions which are given to you by your probation officer;**
- B. Not own or possess any firearms or ammunition. If you have any firearms or ammunition, you must immediately turn them in to the appropriate county police department;**
- C. Serve a term of imprisonment of ONE (1) YEAR with credit for time served. The balance of your term of incarceration is taken under advisement provided you substantially comply with the terms and conditions of probation;**
- D. Work full time or attend educational/vocational training as approved by your probation officer throughout the period of probation;**
- E. Pay to the crime victim compensation fund \$300.00;**
- F. Pay the crime victim compensation fee at the rate of at least \$30.00 per month. Any modifications in the manner of payment must be approved by the court;**
- G. Not possess, use, or consume any alcohol, unprescribed or illegal drug nor possess any drug-related paraphernalia;**
- H. Submit to urinalysis or other similar assessment tests as directed by your probation officer. You shall be responsible for the cost, subject to your ability to pay, at no less than \$5.00 a test. A positive finding or a failure to provide a specimen within two hours of instruction may be considered prima facie evidence of probation violation;**
- I. Obtain and maintain mental health treatment or services, including medication and/or tests if ordered, as directed by your probation officer, until clinically discharged with the concurrence of your probation officer. You shall be responsible for payment for such treatment;**
- J. Not contact or attempt to contact, directly or indirectly, the victim, or any minor child nor reside in the same residence with minor children without the permission of your probation officer;**

7. Special Conditions Of Probation

- K. Participate satisfactorily in the Hawaii Sex Offender Treatment Program (HSOTP) with the provision that you obtain and maintain sex offender treatment, as approved by your probation officer, at your own expense based on your ability to pay, until clinically discharged with the concurrence of your probation officer. Monthly progress reports are to be submitted to your probation officer by your therapist. If your probation officer deems you to be financially unable to pay, you shall participate in treatment with a Judiciary contracted therapist with payment to be made in accordance with the Adult Probation payment formula;
- L. Refrain from purchasing or possessing or accessing via the Internet or other electronic database inappropriate audio or visual materials as clinically defined by your primary therapist nor shall you frequent any place where such materials are available to you;
- M. Abide by any curfew, travel and leisure time restrictions imposed by your probation officer;
- N. Obtain and maintain a residence approved by your probation officer;
- O. Submit to polygraph examinations at your own expense as directed by your probation officer;
- P. Report to the Hawaii County Police Department and submit a blood/saliva sample for DNA testing;
- Q. Register as a sex offender with the Chief of Police of the Hawaii County Police Department;
- R. Report to the Hawaii County Police Department to be processed;
- S. Sign the terms and conditions of probation.